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DATE DEPOSITED: DECEMBER 21, 2004

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Weder)	Atty Dkt No:	8403.822
)		
Serial No: 10/669,989)	Examiner:	Gellner, Jeffrey L.
)		
Filed: September 24, 2003)	Art Unit:	3643

For: SYSTEM FOR FORMING A DECORATIVE COVER FOR A PLANT HAVING
SUBSTANTIAL HORIZONTAL GROWTH

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Sir:

Kathryn L. Hester, having a mailing address of P.O. Box 16370, Oklahoma
City, Oklahoma 73113, in the County of Oklahoma and the State of Oklahoma,
represents that he is authorized to sign on behalf of Petitioner/Assignee.

12/30/2004 JBALINAN 00000106 10669989

01 FC:1814

130.00 OP

The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to said **U.S. Patent No. 6,523,303**, issued on February 25, 2003, assignment recorded on August 9, 2001, Reel 012077, Frame 0310.

The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to the above-identified patent application, **U.S. Serial No. 10/669,989**, filed on September 24, 2003, assignment recorded on August 9, 2001, Reel 012077, Frame 0310.

The assignment documents relating to **U.S. Patent No. 6,523,303**, and to the above-identified application **U.S. Serial No. 10/669,989** have been reviewed and certified by Petitioner/Assignee and, to the best of Petitioner/Assignee's knowledge and belief, title is in the Petitioner/Assignee seeking to take this action.

Petitioner/Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U.S.C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of **U.S. Patent No. 6,523,303**.

Petitioner/Assignee further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period

that the legal title to said patent shall be the same as the legal title to **U.S. Patent No. 6,523,303**.

This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

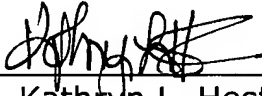
In making the above disclaimer, Petitioner/Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term defined in 35 U.S.C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of **U.S. Patent No. 6,523,303** in the event that **U.S. Patent No. 6,523,303** later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §§ 154-156 and 173 prior to the expiration of the full statutory term(s) as presently shortened by any terminal disclaimer(s), except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

12-22-04
(Date)

By: 
Kathryn L. Hester,
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Agent for Applicant(s)

[X] Terminal Disclaimer fee under 37 CFR 1.20(d) included.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/669,989
Filing Date	09/24/2004
First Named Inventor	Donald E. Weder
Examiner Name	J. Gellner
Art Unit	3643
Attorney Docket No.	8403.822

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	0

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	0

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	0	/ 50 =	(round up to a whole number) x	= 0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer

Fees Paid (\$)

0

130.00

SUBMITTED BY

Signature

Registration No.
(Attorney/Agent)

46,768

Telephone

405-607-8600

Name (Print/Type)

Kathryn L. Hester

Date

12/22/2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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